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TRIAL — MODES OF TRIAL — COMPULSORY REFERENCE FOR A PRELIMINARY HEARING. — The plaintiff brought an action at law in a United States District Court for a balance due on an account containing 298 items. The defendant set up by way of counter-claim an account containing 402 items. Upon motion of the defendant and against the objection of the plaintiff, the Court appointed an auditor to define and simplify the issues, hear the evidence, and report the same together with his opinion on the disputed issues, to the Court. The order provided, however, that the final determination of all issues of fact was to be made by the jury at the trial. *Held*, that courts of law have inherent power to make such reference. *In re Peterson*, U. S. Sup. Ct., October Term, 1919, No. 28.

For a discussion of this case, see NOTES, p. 321, *supra*.

BOOK REVIEWS

ESTATES, FUTURE INTERESTS AND ILLEGAL CONDITIONS AND RESTRAINTS IN ILLINOIS. By Albert M. Kales. Chicago: Callaghan & Co. 1920. pp. lxxxvi, 948.

In common with Mr. Kales' previous works, this volume possesses a rare combination of qualities — the product of a diligent and masterful scholarship; it also comes fresh from "the firing line of actual litigation." The distinction has fallen to few law writers in America of occupying the foremost place among the students in a field and of enjoying at the same time a recognized pre-eminence among practitioners in that field. One may surely say that it was Gray's; and when he set out to write a model textbook on the rule against perpetuities, he was singularly successful in stating growing rules in terms which have stood the strains of litigation and heated contest. Mr. Kales is generally recognized to have succeeded Mr. Gray in his premiership in the law of future interests in America, and this treatise promises to do for a larger field much the same kind of service as Gray's for the rule against perpetuities.

Fifteen years have passed since the publication of the author's shorter volume on Future Interests in Illinois, and it has doubtless in that time fulfilled his purpose to make the members of the Illinois bar more intimately acquainted with Mr. Gray's "learning and discrimination in the handling of fundamental problems in the law of future interests." But it has done more — in illuminating so many corners of the law in other states, it has placed every student of the law of future interests in debt to Mr. Kales' own learning and discrimination in handling the same problems. And this debt has grown since the publication in 1917 of Mr. Kales' collection of cases on the law of future interests — a revision and enlargement of Mr. Gray's collection, but greatly improving the latter's analysis and arrangement. Throughout this period, also, Mr. Kales' magazine articles have proved to be indispensable aids to teachers and students, and the present volume contains (p. liv) a welcome bibliography of some thirty of them, used wholly or in part in its preparation. Material in legal periodicals seems to be so neglected by the profession that this treatise would serve a very useful purpose if it had done no more than to make these articles available in book form.

But the volume is much more than a new edition of the author's previous writings. The Introduction to the Law of Estates and Future Interests (in Book I) is largely new and is a very refreshing restatement of the background of our modern law; on some topics, *e. g.*, the nature and destructibility of contingent remainders, the treatment is quite unlike that to be found in the classic English treatises and from a twentieth century point of view decidedly